

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GAYANN MILLER,

Plaintiff,

Case No. 20-cv-11122

v.

U.S. DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

SUBURBAN MOBILITY AUTHORITY FOR  
REGIONAL TRANSPORTATION,

Defendant.

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**ORDER: (1) MOOTING DEFENDANT’S OBJECTION TO PLAINTIFF’S  
CHANGES TO TRIAL EXHIBITS [ECF No. 95]; AND (2) MOOTING IN  
PART AND DENYING IN PART DEFENDANT’S MOTION TO STRIKE  
[ECF No. 99]**

**I. Introduction**

Plaintiff Gayann Miller (“Miller” or “Plaintiff”) brings claims against Defendant Suburban Mobility Authority for Regional Transportation (“SMART” or “Defendant”) for disparate treatment on the basis of race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, and in violation of the Elliot Larsen Civil Rights Act, (“ELCRA”), M.C.L. 37.2101 *et seq.* Discovery closed on September 30, 2021, the Court has decided discovery motions, dispositive motions, and motions *in limine*. Trial began on January 10, 2024.

Presently before the Court are two matters: (1) Defendant's Objections to Plaintiff's Changes to Trial Exhibits [ECF No. 95]; and (2) Defendant's Motion to Strike "May Call" Witnesses From Plaintiff's Witness Synopsis List and To Strike Paula Elliot, Alicia Miller, and Cecil Miller From Plaintiff's Will Call List [ECF No. 99]. The matters were filed on January 7th and 8th, 2024, respectively. No response was filed to the objection and Plaintiff filed a response to Defendant's Motion to Strike.

The Court heard oral argument on January 10, 2024. As stated on the record, the parties resolved Defendant's Objection [ECF No. 95] and it is therefore **MOOT**.

Defendant's Motion to Strike urges the Court to strike Plaintiff's may call witnesses, of which there are 21, and it asks the Court to strike Paula Elliot, Alicia Miller, and Cecil Miller from Plaintiff's "will call" witness list because they were not identified as potential witnesses on Plaintiff's initial witness list filed in June 2021, though they were identified on the Joint Final Pretrial Order. For the reasons stated on the record, Defendant Motion to Strike is **MOOT IN PART** and **DENIED IN PART**. Plaintiff agreed to reduce their "may call" witness list to 4-5 witnesses. Additionally, Paula Elliot, Alicia Miller, and Cecil Miller were all listed on Defendant's witness list filed in 2021. The motion to strike those witnesses is therefore without merit.

For reasons stated on the record, Defendant's Objection [ECF No. 95] is **MOOT**. Defendant's Motion to Strike is **MOOT IN PART and DENIED IN PART**.

**SO ORDERED.**

Dated: January 18, 2024

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 18, 2024, by electronic and/or ordinary mail.

s/ Lisa C. Bartlett  
Case Manager